

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE *et al.*,

Plaintiffs,

v.

MAST *et al.*,

Defendants.

Civil Action No. 3:22-cv-49

FEDERAL DEFENDANTS' MOTION TO SEAL

Nominal Defendants the United States Secretary of State Antony Blinken and United States Secretary of Defense General Lloyd Austin (“Federal Defendants”) move the Court pursuant to Local Civil Rule 9 for leave to file an unredacted copy of their Answer to the Amended Complaint, as well as Exhibit A to this Motion, under seal. In support thereof, Federal Defendants state as follows:

Plaintiffs’ Amended Complaint references another judicial proceeding in which the Court has allowed the plaintiffs to proceed by pseudonym and has entered sealing orders covering certain information. In responding to such allegations, Federal Defendants have had to reference that proceeding in a way that may be deemed to violate the pseudonym and sealing orders in effect in that case. Federal Defendants therefore have redacted such references from their publicly-filed Answer and seek leave to file the unredacted version of the Answer under seal. No other information in the Answer is redacted. The relief sought therefore is narrowly tailored to protect only the

same information that has already been held to be properly under seal in another proceeding. The requirements of Local Civil Rule 9(b) are therefore satisfied here.

Plaintiffs previously filed in this case a copy of a state court order allowing documents that are under seal in the state court proceeding to be filed in this proceeding as long as such documents are filed under seal. *See* Pl. Nov. 11, 2022 Mot to Seal at 2 (providing public description of Ex. B); Ex. B to Doc. 74 (filed under seal). This Court subsequently granted Plaintiffs' Motion to Seal the state court documents, including the state court order. *See* Order of Nov. 3, 2022 [Doc. 76]. Defendants Joshua and Stephanie Mast (the "Masts") and Defendant Richard Mast ("R. Mast") have similarly been granted leave to file documents subject to other courts' sealing orders under seal. *See* Masts' Mot. to Seal [Doc. 52]; Order of Oct. 24, 2022 [Doc. 60] (granting Masts' motion); R. Mast Mot. to Seal [Doc. 54]; Order of Oct. 24, 2022 [Doc. 64] (granting R. Mast motion).

Federal Defendants attach hereto a copy of a court order that, similar to the order filed under seal by Plaintiffs, allows for otherwise-sealed unredacted copies of filings in another case to be filed in other proceedings, provided that they are filed under seal, and also allows for certain acknowledgements to be made regarding the identities of parties, provided such acknowledgements are made under seal. Because the public filing of Exhibit A in this case would provide the very acknowledgement that Federal Defendants are obligated to keep under seal, Federal Defendants request that Exhibit A, in addition to Federal Defendants' unredacted Answer, be filed and maintained under seal.

January 9, 2023

Respectfully submitted,

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